

COMMISSION TO REVISE THE ANNOTATED CODE

TO: The Senate Constitutional and Public
Law Committee

The House Constitutional and Administrative
Law Committee

DATE: 1/25/84

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SENATE BILL NO. 50
(First Reading File Bill) LEGISLATIVE REFERENCE

I. GENERAL COMMENTS.

APR 16 1984

A. Purpose.

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During the work sessions that the Senate Constitutional and Public Law Committee and the House Constitutional and Administrative Law Committee held throughout the summer, the Committees reviewed drafts of the proposed article.

This memorandum outlines significant or frequently occurring changes that have been made since the work sessions.

B. Conforming Changes.

In some instances, a change conforms provisions so that the 14 titles of the article fit together.

For example, the Commission stated its intention to conform to the practice of the Division of State Documents and, thus, to use "rule" with respect to the Judicial or Legislative units and "regulation" with respect to other units. See the revisor's note in lines 28 through 36 on page 294. Therefore, except as otherwise noted in this memorandum, "rule" or "regulation" has been substituted for "rules and regulations".

References such as "units of the State government" have been substituted for terms such as "State agencies", as indicated in the revisor's note in lines 34 through 39 on page 475. See, e.g., line 4 on page 247.

C. Stylistic Changes.

The changes that appear most frequently are stylistic

changes.

Since the work sessions, the Commission to Revise the Annotated Code has approved a style manual, which replaces the manual adopted in 1973.

To conform to the Style Manual, the following changes have been made throughout the proposed article.

References to "the State" have been substituted for "this State".

References such as "pass an order" have been substituted for the reference "issue an order". See, e.g., line 30 on page 21.

In conditions precedent, the word "must" has been substituted for "shall". See, e.g., line 16 on page 60.

Since, to avoid confusion that might result because a federal officer or unit has the same name as a State officer or unit, the word "federal" has been added to clarify the appropriate title, the word "State" is omitted from those titles. See, e.g., line 32 on page 39.

Except in limited instances, numerals are used to express cardinal and ordinal numbers. See line 15 on page 98.

Instead of the reference "State Constitution", the reference "Maryland Constitution" is used in statutes and the term "Md. Constitution" is used in revisor's notes. See, e.g., line 10 on page 128.

D. Technical Changes.

Numerous technical changes have been made, particularly in the revisor's notes.

These changes include corrections of cross-references and the addition or deletion of terms that appear in the definitional cross-references at the end of revisor's notes.

Some revisor's notes also have been added, as noted below.

Since the effective date of S.B. 50 is October 1, this date is used in the provisions for the staggered terms of members of governmental units. See, e.g., line 22 on page 219.

E. Substantive Corrections.

In some instances, changes have been made to correct an

error in the revision. These changes are described below.

II. STATE GOVERNMENT ARTICLE.

A. Title 1 -- Definitions.

Only stylistic changes have been made.

B. Title 2 -- General Assembly.

§§ 2-408 [pages 21 and 22] and 2-1104 [pages 52 and 53]:

As you may recall, a revision of present Art. 40, § 30 was not included in the Title 2 draft but, instead, was distributed as a separate document, pending resolution of substantive issues.

The Committees concluded that present Art. 40, § 30 should be revised in Title 2.

In inserting the revision of § 30, I have created a new § 2-408, which contains only the provisions that relate to the Legislative Policy Committee. I also inserted a new § 2-1104, which contains the provisions for standing committees.

These new sections are identical except that § 2-1104 reflects the present requirement for prior approval and, therefore, the limiting language "in carrying out any of its functions or powers" has been moved to follow the subject "standing committee".

However, please compare §§ 2-507 and 2-807.

Please note the deletion of the phrase "rule of procedure", described in the revisor's note beginning in line 38 on page 21.

§§ 2-410 [page 23] and 2-1105 [page 53]:

The revision of present Art. 40, § 34 also was distributed as a separate document.

In inserting the revision, I created § 2-410, which contains the provisions as to the Legislative Policy Committee, and § 2-1105, which contains the provisions as to standing committees.

These sections differ because, under the present law, § 34(2) only applies to the Legislative Policy Committee.

§ 2-503 [pages 24 and 25]:

The draft of subsection (c) contained new language that "[a] member who is appointed to fill a vacancy serves only for the rest of the term".

This language has been deleted, to conform to the Committees' decision to delete similar language in § 2-603.

§ 2-506 [pages 26 through 28]:

In line 6 on page 27, the words "or adopted" have been added. See the part of the revisor's note that begins with the word "[s]imilarly" in line 35 on page 27.

The revisor's note in lines 12 through 14 on page 28 has been added to explain the deletion that the Committees directed to be made.

The revisor's note in lines 15 through 19 on page 28 also is new.

§§ 2-507 [pages 28 and 29] and 2-807 [pages 40 and 41]:

These sections are new and repeat § 2-408(a) and (b) exactly, but do not repeat § 2-408(c). See the revisor's note in lines 10 through 26 on page 29.

§ 2-906 [pages 43 and 44]:

In line 11 on page 44, the word "officials", which is used in present Art. 40, § 17(4)(v), has been substituted for the word "officer".

§ 2-1007 [page 49]:

The revisor's note in lines 18 through 25 is new.

§ 2-1104 [pages 52 and 53]:

See discussion of § 2-408.

§ 2-1105 [page 53]:

See discussion of § 2-410.

§§ 2-1207 [pages 55 through 58] and 2-1307 [pages 80 and 81]:

The Committees wanted to ensure that this Act did not abrogate Section 2 of Ch. 818, which enabled classified employees of the Department of Fiscal Services and the Department of Legislative Reference to retain their positions. Lines 26

through 28 on page 537 have been added for this purpose.

The revisor's notes in lines 20 through 25 on page 58 and in lines 1 through 6 on page 81 have been changed to reflect the adoption of the guidelines.

§§ 2-1215 through 2-1217 [pages 62 through 65]:

In the draft of Title 2, the provisions that related to the scope of audit had been revised to apply only to an audit of a State unit.

However, present Art. 40, § 61B(b) -- now § 2-1216 -- seems also to apply to audits of county units and corporations or associations.

These sections have been restructured to reflect this broader application of § 61B(b).

§ 2-1318 [pages 88 and 89]:

Lines 20 and 21 on page 88 have been changed, as described in lines 12 through 23 on page 89.

§§ 2-1509 through 2-1512 [pages 105 through 109]:

The word "presentment" has been substituted for the word "presentation", to conform to the Maryland Constitution.

A revisor's note on page 109 has been changed, beginning at line 6, to reflect that the time for presentment depends on adjournment.

§ 2-1516 [page 113]:

This section previously was distributed as part of a separate document.

§ 2-1608 [pages 119 through 122]:

In line 22 on page 119, the words "[i]n the manner", which appear in present Art. 40, § 80(a), have been substituted for the word "as".

§ 2-1609 [pages 122 through 125]:

In line 20 on page 123, the words "if the question is relevant to a matter on which there have been questions or evidence" have been deleted. The Commission had directed this deletion, for the reason set forth in lines 3 through 8 on page

125. However, the language was retained inadvertently in the draft distributed to the Committees.

Lines 9 through 12 on page 125 also are new.

C. Title 3 -- Governor and Lieutenant Governor.

Only stylistic changes have been made in the revision.

The revisor's notes in lines 1 through 13 on page 137 are new.

D. Title 4 -- Comptroller.

Only stylistic changes have been made.

The revisor's note in lines 11 and 12 on page 148 is new.

E. Title 5 -- Treasurer.

Only stylistic changes have been made.

F. Title 6. -- Attorney General.

§ 6-105 [pages 156 through 158]:

The revisor's note in lines 24 through 27 has been added, to reflect the change that the Committees directed to be made in lines 32 and 33 on page 157.

§ 6-109 [pages 163 and 164]:

Lines 32 and 33 on page 163 have been changed as described in lines 11 through 15 on page 164.

G. Title 7 -- Secretary of State.

§ 7-105 [pages 165 through 167]:

The revisor's notes in lines 35 through 38 on page 166 and in lines 4 through 6 on page 167 are new.

§ 7-201 [pages 167 through 170]:

In line 14 on page 169, the clause "unless the context clearly requires otherwise" has been added, for the reason set forth in lines 18 through 30 on page 169.

§ 7-203 [pages 170 and 171]:

In line 31 on page 170, the phrase "under this subsection" has been deleted, since present Art. 41, § 131C did not contain that limitation.

§ 7-204 [pages 171 and 172]:

The revisor's note in lines 1 through 5 on page 172 is new.

§ 7-205 [pages 172 through 174]:

In line 25 on page 172, the words "the text of" have been added, to conform to § 7-206(a)(2).

In lines 32 and 33 on page 172, the phrase "in the Code of Maryland Regulations" has been added, to conform to § 7-206(a)(2)(xiv).

In line 9 on page 173, the words "or issue" have been added, since the certification applies to a part or to an issue.

§ 7-206 [pages 174 through 177]:

In line 15 on page 174, the words "the text of" have been added, so that, in lines 1 and 16 on page 175, the words "a copy of" could be deleted. This addition is consistent with § 7-217, as to official texts.

In line 31 on page 175, the word "issue" has been substituted for "Register", since the certification applies to an issue.

The revisor's notes in lines 16 through 18 on page 176, in lines 27 through 30 on page 176, and in lines 45 through 47 and 1 through 3 on pages 176 and 177, respectively, are new.

§ 7-207 [pages 177 and 178]:

In lines 21 and 22 on page 177, the reference to a "generally available publication that the Administrator specifies" has been substituted for the reference to a publication "that the Administrator finds to be generally available", to conform more closely to present Art. 41, § 256H.

The revisor's note in lines 1 through 4 on page 178 is new.

§ 7-218 [pages 184 and 185]:

Lines 1 through 7 on page 185 have been written, to avoid the nonsequitur of present Art. 41, § 256M-1(c), which reads, in part, that an error "does not affect the validity ... unless the

remaining valid provision" and, thus, calls a provision that, by operation of law, is invalid, a "remaining valid provision".

The revisor's notes in lines 14 through 23 on page 185 are new.

§ 7-220 [pages 185 and 186]:

In lines 3 and 4 on page 186, the reference "§§ 10-111(a) ... of this article" has been added, since some of the provisions that are encompassed by the word "subtitle", in present Art. 41, § 256R, are revised in Title 10.

H. Title 8 -- Organization of Executive Branch.

The revisor's notes beginning with the word "See" in line 34 on page 192 down through line 16 on page 193 are new.

§ 8-301 [pages 193 through 196]:

The revisor's note in lines 22 through 34 on page 195 has been added, to reflect the change that the Committees ask to be made in lines 9 and 10 on page 194.

§ 8-303 [pages 196 and 197]:

The revisor's note in lines 33 through 38 on page 196 is new.

§ 8-305 [pages 197 and 198]:

In line 34 on page 197, the limitation "subject to § 2-1312 of this article" has been added. Although present Art. 41, § 3A(c)(2) did not specifically cite present Art. 40, § 51, the express requirement for submission of a copy to the Department of Legislative Reference had been deleted, on the assumption that § 51 applies. Therefore, in accordance with the Committees' directive to retain cross-references to § 51, this cross-reference has been added and explained in the revisor's note in lines 18 through 25 on page 198.

I. Title 9 -- Miscellaneous Executive Agencies.

§ 9-101 [pages 216 through 218]:

The revisor's note in lines 34 through 36 on page 217 is new.

§ 9-110 [pages 225 and 226]:

Lines 30 through 37 on page 225 are new. As indicated in the revisor's note beginning in line 32 on page 226, the Attorney General had opined that the rule-making authority of the Lottery Commission had been exhausted on adoption of the initial regulations. However, the standards for those initial regulations seemed to have had continuing effect. Some of those standards were carried forward on §§ 9-112(c)(2), 9-120(c), and 9-122(a). Lines 30 through 37 on page 225 carry forward the rest of those standards.

§ 9-112 [pages 228 and 229]:

The revisor's notes in lines 6 through 9 on page 229 are new.

§§ 9-114 and 9-115 [pages 229 and 230]:

The revisor's notes in lines 32 through 36 on page 229 and lines 4 through 8 on page 230 are new.

§ 9-119 [pages 231 through 234]:

In 3 instances, the revision referred to receipts from the sale of "tickets or shares". Although the reference "tickets or shares" appeared only once, in current § 17, the words "or shares" were added twice, to conform. However, the regulations of the Agency indicate that the licensee has receipts only from whole tickets, although the buyers may have shares. Therefore, the words "or shares" are deleted, as indicated by the revisor's note in lines 26 through 28 on page 233.

§ 9-122 [pages 235 and 236]:

Lines 18 and 19 on page 236 have been rewritten, to correct a faulty tabulation. Thus, in line 18, the words "for payment of the winner" have been added and, in line 19, the words "for use" have been substituted for "use the unclaimed prize".

§§ 9-123 and 9-124 [pages 236 through 238]:

The words "State lottery" have been added to modify the words "ticket or share" or, in some instances, the word "State" has been added to modify "lottery tickets". These additions are noted in the revisor's notes in lines 3 through 6 on page 237 and in lines 35 through 38 and lines 1 through 8 on pages 237 and 238.

Lines 26 through 34 on page 238 reflect the Committees' directive as to deletion of the provisions on premium savings bonds and decodification of the provisions on the lotto game.

§ 9-206 [pages 241 and 242]:

Lines 21 through 29 on page 242 have been rewritten, for clarity.

§ 9-301 [pages 242 through 244]:

In line 23 on page 243, the disjunctive "or" has been substituted for "and".

To address a concern mentioned at the work session, the revisor's note in lines 6 through 9 on page 244 has been added.

Lines 14 through 17 on page 244 also are new, and reflect a change that the Committees directed to be made.

§ 9-304 [pages 244 through 245]:

The revisor's note in lines 36 through 43 has been rewritten, to reflect the changes that the Committees directed to be made.

§ 9-404 [page 250]:

The revisor's note in lines 42 through 44 on page 250 has been added for information.

§ 9-907 [pages 270 through 273]:

The revisor's note in lines 49 and 50 and lines 1 through 7 on pages 272 and 273 has been added. The note corresponds to the note in lines 21 through 29 on page 284.

§ 9-913 [pages 278 through 281]:

In lines 32 and 33 on page 278, the phrase "on behalf of the State or a political subdivision" has been substituted for the clause "that this State or a political subdivision ... provides". Present Art. 96 1/2, § 19(a) refers to land "granted to the State ...".

In several instances, the word "bury" or "burial" has been substituted for "inter" or "interment", for brevity and consistency.

§ 9-922 [pages 284 and 285]:

Lines 4 through 6 on page 285 have been added for information.

§ 9-930 [page 292]:

The language beginning with "but" in line 13 on page 292 down through "Commission" in line 14 has been retained in the revision. The language, which appears in present Art. 96 1/2, 59, has been proposed for deletion in the draft.

J. Title 10 -- Governmental Procedures.

§ 10-101 [pages 293 through 295]:

In lines 22 and 24 on page 294, the cross-references have been retained. Cross-references appear in present Art. 41, § 244(c) but, in the draft, had been moved to the revisor's note.

In lines 40 and 41 on page 295, the words "authorized by law to adopt regulations" have been added. This limitation appears in present Art. 41, § 244(a).

§ 10-105 [page 297]:

The revisor's notes have been rewritten, for clarity.

§ 10-111 [pages 299 through 302]:

In line 34 on page 299, the word "hearing" has been substituted for "meeting", to conform to line 24. Note that line 7 on page 300 also should be conformed.

In lines 1 and 2 on page 300, the phrase "on the effectiveness of the regulation" has been added. This addition conforms to the Committees' directive, which had been overlooked. This addition is explained in the new revisor's note in lines 1 through 6 on page 301.

§ 10-112 [pages 302 and 303]:

Lines 36 through 38 and lines 1 and 2 on pages 302 and 303 have been redrafted so that they apply both to subsections (a) and (b). See the new revisor's note in lines 27 through 39 on page 303.

§ 10-115 [pages 305 and 306]:

The revisor's note in lines 1 through 9 on page 306 is new.

§ 10-117 [pages 306 and 307]:

The revisor's note in lines 32 through 38 on page 307 is new and explains a change made at the Committees' direction.

§ 10-120 [pages 308 and 309]:

In line 9 on page 308, the words "Board of Appeals of" have been added, for the reason set forth in lines 36 and 37 and lines 1 through 10 on pages 308 and 309.

The obsolete reference had been noted for the Committees, but the resolution of the problem was not ascertained until after the work sessions.

Note that this same change appears in §§ 10-202 [pages 318 and 319], 10-302 [pages 338 and 339], and 10-402 [pages 343 and 344].

§ 10-122 [pages 309 and 310]:

Lines 9 through 15 on page 310 have been added to explain the change made at the Committees' direction. This same note has been added in the revisor's note to § 10-204 [pages 320 and 321].

Lines 16 through 22 on page 310 also have been added, for information.

§ 10-123 [pages 310 and 311]:

Lines 12 through 15 on page 311 are new.

§ 10-124 [pages 311 and 312]:

The part of the note beginning with the word "[f]or" in line 13 on page 312 is new.

§ 10-128 [pages 313 and 314]:

Lines 5 through 8 on page 314 have been redrafted. See the discussion of § 7-218.

The General Revisor's Note, in lines 4 through 36 on page 315, is new. Please note, however, the discussion under Art. 24, § 3-101.

§ 10-202 [pages 318 and 319]:

In line 23 on page 318, the word "agencies" has been substituted for "officers and units", to conform to the changes that the Committees directed to be made in lines 19 and 21.

See also the discussion of § 10-120.

§ 10-204 [pages 320 and 321]:

See the discussion of § 10-122.

§ 10-210 [pages 326 and 327]:

This section has been redrafted as the Senate Committee directed.

Thus, in line 24 on page 326, the words "make a record" have been substituted for "include in the record". This redraft avoids the apparent conflict with § 10-211.

Also, lines 34 through 36 have been redrafted as separate items so that the record includes, e.g., all questions rather than just those to which an objection has been made.

§ 10-217 [pages 334 through 337]:

Lines 4 through 22 on page 336 have been added, to conform this note to the note to § 10-124 [pages 311 and 312].

The General Revisor's Note, in lines 44 through 46 on page 337, has been added, for information.

§§ 10-302 and 10-402 [pages 338 and 339 and pages 343 and 344]:

See the discussion of § 10-120.

§ 10-404 [pages 344 and 345]:

Lines 14 through 18 on page 345 have been added.

§ 10-405 [pages 345 and 346]:

Lines 15 through 18 on page 346 have been added.

§ 10-501 [pages 346 through 351]:

As the Committees will recall, present Art. 76A, §§ 7 through 15 apply both to units of the State government and of political subdivisions.

The revision has bifurcated these present provisions so that SG §§ 10-501 through 10-510 apply only to State units, while Art. 24, §§ 4-101 through 4-110 [pages 482 through 495] contain provisions that apply to political subdivisions and that are, except as noted in this memorandum, identical to the provisions in the State Government Article. Differences also are noted in the revisor's notes. See, e.g., lines 34 through 36 on page 347.

Line 22 on page 349 has been changed to reflect this

bifurcation. See lines 32 through 39 on page 349.

Lines 16 through 18 on page 349 are new.

§§ 10-506 [pages 352 and 353] and 10-510 [pages 357 through 359]:

The part of the revisor's note that begins with the word "[h]owever" in line 32 on page 353 has been added and reflects additions in lines 20 and 28 on page 357 and line 14 on page 258.

In line 8 on page 357, the words "providing for the issuance of", which appear in present Art. 76A, § 14(g), have been substituted for "issuing".

§ 10-611 [pages 365 through 369]:

Lines 10 through 24 on page 365 are new. Related notes appear in lines 15 through 21 on page 370 and in lines 42 and 43 and lines 1 through 3 on pages 370 and 371. A similar note already appeared in lines 36 and 37 and lines 1 through 6 on pages 390 and 391.

Lines 27 through 30 on page 366 have been added, to conform to the note in lines 9 through 11 on page 367.

In lines 20 and 21 on page 368, the words "of the State government" have been added, to reflect the bifurcation of the provisions that relate to the State and its subdivisions.

Lines 21 through 28 on page 369 are added for information.

§ 10-612 [pages 369 and 370]:

In lines 2 and 3 on page 370, the reference to "the privacy of a person in interest" has been substituted for "a person's privacy", since present Art. 76A, § 1A uses the defined term "person in interest".

§ 10-614 [pages 371 and 372]:

In line 31 on page 371, the phrase "after receipt of the application" has been added, since, under present Art. 76A, § 3(d), the 30-day period referenced in line 31 seems to be the same period referenced in line 26.

§ 10-615 [pages 372 and 373]:

Lines 4 through 9 on page 373 are new.

§ 10-616 [pages 373 through 375]:

In line 29 on page 373, the word "private" has been deleted, as noted in lines 5 through 8 on page 375.

In lines 2, 3, and 7 on page 374, the word "individual" has been substituted for the term "person in interest". Present Art. 76A, § 3(c)(xiii) refers to "his" -- for which the antecedent is "person in interest" -- and to "the person in interest". However, these references seem to be overly broad, since "person in interest" is defined to include, not only the subject of the record, but a legal representative.

Lines 9 through 12 on page 375 have been added to reference a provision that only applies to counties and, therefore, is not included here.

§ 10-617 [pages 375 through 377]:

In line 26 on page 375, the language "other than an autopsy report of a medical examiner" has been added, and in line 27, the duty to permit "any person or governmental entity to inspect an autopsy report" has been dropped.

These changes reflect present Art. 76A, § 3(c)(i) more accurately, since, under the new language, a custodian may not deny inspection of an autopsy report because it contained medical information but could deny inspection if, e.g., disclosure would jeopardize an investigation.

Lines 19 through 21 on page 377 are new and are derived from the fourth sentence of present Art. 76A, § 3(c)(xii).

The revisor's notes in lines 25 through 27 and lines 34 through 36 on page 377 are new.

§ 10-623 [pages 383 through 385]:

Lines 6 and 7 on page 384 are new and are derived from present Art. 76A, § 5(b)(5).

§ 10-624 [pages 385 through 389]:

In lines 15 and 16 on page 386, the reference to "access ... by the person in interest" has been added. This language appears in present Art. 76A, § 5A(b)(5).

In line 23 on page 386, the words "or instrumentality" have been added to conform to line 15 on page 386.

In line 34 on page 386, the clause "for which inspection is not authorized" has been added, as noted in lines 31 through 34

on page 387.

§ 10-625 [pages 388 and 389]:

The revisor's notes in lines 6 through 8 and 12 through 23 on page 389 are new.

This section does not appear in the provisions on subdivisions, since present Art. 24, § 4A only applies to State units.

§ 10-626 [pages 389 and 390]:

In line 36 on page 389, the phrase "to an individual" has been added, to reflect present Art. 76A, § 5(d).

This section does not appear in the provisions on subdivisions, since the referenced Article 64A, § 12J applies to State personnel.

§ 10-637 [pages 393 and 394]:

Lines 30 through 33 on page 393 have been changed by the merger of 2 separate items -- 1 of which applied to State units and 1 of which applied to collection of taxes. These changes were necessitated by the changes discussed under §§ 2-1215 through 2-1217.

Lines 19 through 35 on page 394 are new.

§ 10-639 [page 396]:

In line 4 on page 396, the words "of the State government" have been added, to reflect the bifurcation of the provisions that relate to the State and its subdivisions.

§ 10-641 [pages 397 and 398]:

Lines 10 through 13 on page 397 have been redrafted to make it clearer that this section provides for disposition of records that are copied in the regular course of business. In the draft, this section could be read as an alternative method for disposition of records not usually copied.

K. Title 11 -- Consolidated Procedures for Development Permits.

This title has been recaptioned so that the word "development" appears.

§ 11-101 [pages 401 through 405]:

Lines 11 through 15 on page 402 have been redrafted for clarity.

Lines 28 through 33 on page 403 are new.

Lines 14 through 17 on page 404 are new.

Lines 1 through 7 on page 405 are new.

§ 11-103 [pages 406 through 408]:

Lines 27 through 30 and 35 through 41 on page 407 are new.

Lines 8 through 11 on page 408 are new.

§ 11-201 [page 409]:

This section previously appeared as a subsection of § 11-101. However, the term "Council" only appears in Subtitle 2 and should be repealed, with the other provisions of Subtitle 2, if the termination provision in § 11-208 becomes effective.

§ 11-203 [pages 409 and 410]:

Lines 20 through 26 on page 410 are new.

§ 11-207 [pages 412 and 413]:

The revisor's notes beginning in line 8 down through "Similarly," in line 16 on page 413 are new.

§ 11-403 [page 416]:

Line 14 on page 416 has been added and, in line 16, the word "requested" has been substituted for "required", since this section set forth the requirements of a form.

§ 11-502 [pages 417 and 418]:

Lines 10 through 17 on page 418 are new.

§ 11-506 [page 419]:

Lines 30 through 32 on page 419 are new.

§ 11-513 [pages 422 and 423]:

In lines 28 and 29 on page 422, reference to "copies of the relevant parts of these documents" has been substituted for "a copy of each application and appendix", to conform to present

Art. 78A, § 60(a) and to lines 4 and 5 on page 423.

§ 11-515 [pages 423 and 424]:

In line 38 on page 423, the words "application and appendices or information" have been substituted for application, appendices, and information", to conform lines 21 and 22 on page 423.

§ 11-519 [pages 425 through 427]:

Lines 28 through 32 are new.

§ 11-520 [pages 427 and 428]:

In line 15 on page 427, the word "promptly" has been added.

In lines 32 and 33 on page 427, the words "to be issued by the State unit" have been added.

§ 11-521 [pages 428 and 429]:

In line 11 on page 429, the words "at least 10 days" have been added to conform to line 33 on page 428. See revisor's note in lines 27 through 35 on page 429.

In lines 14 and 15 on page 429, the words "on timely delivery of the written application" have been added.

L. Title 12 -- Immunity and Liability.

Only stylistic changes have been made.

Note, however, that amendments are needed to reference provisions of Art. 21 that apply to Subtitle 2.

M. Title 13 -- Emblems; Commemorative Days; Manual.

Only stylistic changes have been made.

N. Title 14 -- United States.

Throughout this title, the word "land", which appears in present Art. 96, has been substituted for "real property". These substitutions reflect the addition, in lines 17 and 23 on page 469, of the word "property".

In lines 14 and 15 and line 24 on page 469, references to "units" of the federal government also have been added.

The revisor's notes in lines 24 through 26 and lines 42 through 45 on page 470 are new.

The revisor's note in lines 16 through 20 on page 471 also is new.

The revisor's notes in lines 17 through 46 on page 475 and 1 through 27 on page 476 are new.

III. ARTICLE 24.

A. Title 1 -- Definitions.

Except in 2 respects, this title is identical to Title 1 of the State Government Article.

In line 2 on page 477, the clause "[u]nless the context clearly requires otherwise" is added since this article will include unrevised provisions in which a term may be used in a manner that differs from the definition. See lines 7 through 11 on page 477.

Therefore, in line 113 on page 477, the provision "unless expressly provided otherwise" has been omitted.

B. Title 2 -- Reports.

§ 2-101 [pages 478 through 481]:

The Committees have not seen this section, which is derived from parts of present Art. 40, § 61(e) through (g).

C. Title 3 -- Regulations [page 482].

Present Art. 41, § 247 requires publication of regulations by "[e]very agency, department, or other governmental body or unit, quasi-governmental body or unit having the authority or power to adopt or promulgate rules or regulations affecting any member of the general public" and further provides that, "[e]xcept for bicounty and multicounty commissions appointed by local governing bodies", publication be effected through the State Documents Law.

Since present Art. 41, § 247 is part of the Administrative Procedure Act, the words "department ... [or] quasi-governmental body" suggests that § 247 has broader application than to just an Administrative Procedure Act "agency".

Also the reference to multicounty units suggests that § 247 is not limited to State units.

However, the title of Chapter 94, Acts of 1964, which first enacted § 247, only refers to "State agencies".

While Chapter 600, Acts of 1974, amended § 247 to reference the State Documents Law, there is no indication that the Act affected the units to which § 247 applied.

Finally, Chapter 28, Acts of 1979, added the exception for multicounty units. As introduced, Chapter 28 would have limited § 247 to Administrative Procedure Act agencies and subunits of those agencies, but these limitations were struck by amendment.

Therefore, it would seem that the scope of § 247 remained unaffected and, thus, in light of the title of the 1964 Act, applies only to State units.

D. Title 4 -- Meetings.

Except as noted, this title duplicates Title 10, Subtitle 5 of the State Government Article.

§ 4-101 [pages 482 through 487]:

Lines 8 and 9 on page 483 are new.

In line 36 on page 483, the words "or of a political subdivision of the State" are new.

In line 6 on page 485, the word "charter" has been substituted twice for "constitution" and "constitutional".

Line 34 on page 485 is new and corresponds with line 22 on page 349. See lines 10 through 14 on page 486.

Lines 2 and 3 on page 486 are new.

In lines 5 and 6 on page 486, the reference to "the chief executive authority of a political subdivision" has been substituted for "the Governor".

§ 4-103 [pages 487 and 488]:

Lines 29 and 30 on page 487 have been substituted for references to the Governor's Executive Council.

§ 4-106 [pages 489 and 490]:

After line 18 on page 489, an item that provides for publication of a notice by a State unit in the Maryland Register has been omitted.

In line 21 on page 489, reference to the "local government of which the public body is a part" has been substituted for "State government".

§ 4-109 [pages 492 and 493]:

In line 9 on page 492, the reference to the affect on the Senate and House Journals has been omitted.

§ 4-201 [page 495]:

This section is new.

Lines 39 through 41 on page 495 and 1 through 3 on page 496 are new.

E. Title 5 -- Records.

This title duplicates the parts of Title 10, Subtitle 6 that are derived from present Arts. 54 and 76A, to the extent that those Articles apply to subdivisions.

Some omissions have been noted in the discussion of Title 10, Subtitle 6. Revisor's notes also indicate omissions.

§ 5-101 [pages 496 through 501]:

Lines 24 through 26 on page 496 are new.

In lines 4 and 5 on page 498, reference to personnel "of a political subdivision" has been substituted for "State officer or State employee".

Lines 6 through 20 on page 499 are new.

In lines 24 and 25 on page 499 and lines 5 and 6 on page 500, references to a "political subdivision" have been substituted for "State government".

§ 5-102 [page 501]:

In lines 11, 12, and 13 on page 501, references to a "political subdivision" have been substituted for references to the State and its unit.

Lines 18 and 19 on page 501 are new.

§ 5-107 [pages 505 through 507]:

Lines 6 through 12 on page 506 are new.

§ 5-108 [pages 507 through 509]:

In lines 7 and 8 on page 508, reference to a "political subdivision" has been substituted for "the State".

§ 5-109 [pages 510 and 511]:

The same change has been made in line 27 and 33 on page 510.

§ 5-113 [pages 514 and 515]:

The cross-reference in lines 35 and 36 on page 514 reflects the bifurcation.

§ 5-114 [pages 515 through 517]:

In lines 2 and 3 on page 516, references to a "political subdivision" have been substituted for "the State".

Lines 5 through 8 on page 517 are new.

§ 5-116 [page 518]:

Lines 31 through 34 on page 518 are new.

§ 5-119 [page 519]:

Lines 13 through 18 on page 519 are new. Therefore, in lines 3 through 8 technical changes have been made.

§ 5-120 [page 519 and 520]:

The cross-reference in line 28 on page 519 reflects the bifurcation.

§§ 5-121 through 5-123 [pages 520 through 522]:

The term "local official" has been substituted for references to State officials.

§ 5-124 [pages 523 and 524]:

In line 10 on page 523, reference to "a county or municipal corporation" has been substituted for "the State government".

IV. MISCELLANEOUS PROVISIONS.

A. Article 1.

The Committees have not seen lines 20 through 22 on page

525, which are new, or lines 23 through 40 and lines 1 through 23 on pages 525 and 526, which are derived from present Art. 76, § 8.

B. Article 15A.

The Committees have not seen lines 25 through 34 on page 526, which are derived from present Art. 41, § 15C(a).

The Committees also have not seen lines 35 through 40, 1 through 43, and 1 through 10 on pages 526 through 528, which are derived from present Art. 41, § 245(c).

C. Article 19.

Lines 12 through 49 and 1 through 34 on pages 528 and 529 amend sections of Art. 19, to delete provisions that have been revised. The remaining provisions are to be revised in the State Finance and Procurement Article.

Lines 35 through 44 and 1 through 44 on pages 529 and 530 pick up provisions of present Art. 40, § 61B(e) and (f).

D. Article 41.

Lines 1 through 29 on page 531 strike a sentence that exempts the Department of General Services from Art. 41, § 3C, which is being deleted.

Similar provisions for 3 other departments are repealed by function and enacting clauses.

E. Article 64A.

The Committees have not seen lines 30 through 42 and 1 through 6 on pages 531 and 532, which are derived from provisions in present Art. 88D, § 8(b).

F. Article 65.

Lines 7 through 27 on page 532 amend § 7 to delete provisions revised in the State Government Article and to add a cross-reference to those provisions.

G. Article 70.

The Committees have not seen lines 28 through 42 on page 532, which are derived from present Art. 19, § 1.

H. Article 81.

The Committees have not seen lines 1 through 12 on page 533, which are derived from present Art. 96, § 48.

I. Article 95.

Lines 13 through 47 and 1 through 20 on pages 533 and 534 delete provisions that are revised. The remaining provisions will be revised in the State Finance and Procurement Article.

J. Enacting Clause.

Clause 10 [lines 21 through 23 on page 534] preserves the directive that Baltimore City transfer an interest in the War Memorial.

Clause 11 decodifies numerous provisions.

Clauses 12 through 14 are technical.

Clauses 15 through 20 provide for construction of the Act.

These clauses include one that provides that catchlines and revisor's notes are not law. Therefore, even after enactment, errors in notes and catchlines have been corrected. However, since notes are cited as legislative history, as few changes as possible are made after printing for third reading. Therefore, the appendix indicates corrections to be made at that time.

Respectfully submitted,

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Article Supervisor

APPENDIX

The following corrections to catchlines and revisor's notes will be made when Senate Bill No. 50 is printed for third reading.

- (1) On page 10, in line 32, after "definition," insert "former".
- (2) On page 12, in line 12, delete "full" and substitute "longer".
- (3) On page 12, in line 18, delete "phrase" and substitute "term".
- (4) On page 12, in line 23, after the first "the" insert "longer".
- (5) On page 15, delete beginning with the word "and" in line 23 down through "title" in line 24.
- (6) On page 22, in line 3, delete "Maryland" and substitute "Md.".
- (7) On page 22, in line 20, delete "4-401" and substitute "2-401".
- (8) On page 27, delete, in their entirety, lines 25 through 29; and on page 28, after line 7, insert "In subsections (a)(3) and (b)(2)(ii)1. of this section, the words "statutory" and "constitutional", which formerly modified the references to the "laws", are deleted since there seemed to be no intent to exclude common law.".
- (9) On page 50, in line 12, after "[b]y" insert ", for clarity".
- (10) On page 59, in line 25, delete "the first clause of".
- (11) On page 59, in line 27, after "The" insert "former".
- (12) On page 67, after line 29, insert "In subsection (a)(1) of this section, the former, specific reference to "applicable regulations" is deleted as unnecessary in light of the broad word "law"."
- (13) On page 126, in line 28, after "STAFF" insert "PROHIBITED".
- (14) On page 126, in line 33, after "PROPERTY" insert "PROHIBITED".

(15) On page 127, in line 7, after "DEVICES" insert "RESTRICTED".

(16) On page 136, in line 30, after "from" insert "former"; and strike line 31 and substitute "provisions that formerly appeared as the first paragraph of present § 7".

(17) On page 148, in line 37, after "70" insert ", § 2 and Art. 95, § 1".

(18) On page 192, in line 35, delete "former" and substitute "present".

(19) On page 192, in line 36, delete "referred" and substitute "refers".

(20) On page 192, in line 37, delete "continued" and substitute "continues".

(21) On page 192, in line 38, delete "repealed" and substitute "repeals".

(22) On page 192, in line 39, delete "was" and substitute "is".

(23) On page 194, in line 25, delete "fourth sentence" and substitute "second and fourth sentences".

(24) On page 194, in line 44, delete "and fourth sentences" and substitute "sentence".

(25) On page 194, delete line 47 and substitute "issue", and the express power, in the second sentence of § 15CB, to".

(26) On page 195, in line 3, delete "sentences" and substitute "provisions".

(27) On page 221, in line 7, and on page 274, in line 34, in each instance, delete "COMPENSATION" and substitute "SALARY".

(28) On page 277, in line 30, delete "FEDERAL".

(29) On page 289, in line 8, delete "regulations" and substitute "regulations --"; and in line 9, delete "subtitle" and substitute "subtitle" --".

(30) On page 353, in line 35, delete "(1)" and substitute "(2)".

(31) On page 362, in line 9, delete "file" and substitute "submit".

(32) On page 413, in line 8, after "In" insert "the introductory language of".

(33) On page 413, in line 16, after "Similarly" insert a comma.

(34) On page 484, delete lines 7 and 8 in their entirety and substitute "8(c).".

(35) On page 484, after line 12, insert ""Includes";"including" § 1-101".

(36) On page 484, after line 38, insert "Defined terms: "Includes";"including" § 1-101".

(37) On page 490, in line 8, on page 492, in line 5, and on page 493, in line 10, in each instance, after "terms:" insert ""Includes";"including" § 1-101".

(38) On page 496, in line 29, delete "the"; and in line 30, delete the first "in" and substitute "similar to those in subsections (b) through (e) and (g) of".

(39) On page 524, in line 33, delete "6-201 through 6-203" and substitute "7-201 through 7-203".

(40) On page 530, in line 40, delete "(c)" and substitute "(b)(3)".